

UCT-A A10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. LANDA, et al.
Serial Number: 09/322,174
Filed: May 28, 1999
For: TONER MATERIAL AND METHOD UTILIZING SAME
Art Unit: 1756
Examiner: GOODROW, J.

Honorable Commissioner of Patents and Trademarks
Washington DC 20231

RESPONSE TO OFFICE ACTION

Sir:

Further to an office action dated May 31, 2002, the following is applicants' response:

REMARKS

In the above referenced office action, the Examiner rejected claims 54-58, 61-63, 65-67, 69-71 and 73-75 under 35 U.S.C. §103(a) as being unpatentable over Canadian Patent 709347 in view of Chou et al. or Oguchi et al. or Japanese Patents No. 01/112254 and 62/100771. Applicants respectfully traverse the rejection and submit that the references cited do not provide a *prima facie* case of obviousness.

The Examiner's basic premise is that the Canadian reference "teaches a means of producing a metallic developer having fine flakes or particles of metal used in an electrophotographic developer in which the metal is coated with a resin particle."

Firstly, the method described by the Canadian reference does not produce fine flakes it only produces a powder. This is the way the reference describes the material produced and this is what would be produced utilizing the grinding process described at page 7, line 24 to 9, line 16.

The only place that the word "flakes" is mentioned is with respect to the prior art at col. 3, line 14. However, even this material is later "polished" (page 3, line 18), which would reduce the flakes to a powder.

It is noted that while the Canadian reference does mention the formation of particles it does so only in the context of the invention of the patent and not in the context of the prior art method (page 3, line 22 to page 4, line 8), which does not appear to be combinable with the particle formation described.

9/11/02
#22/Response

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